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PART II—Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 17th December, 1970:—

BILL No. XLII OF 1970

A bill further to amend the Indian Telegraph Act, 1885

BE it enacted by Parliament in the Twenty-first Year of the Republic of India as follows:—

1. This Act may be called the Indian Telegraph (Second Amendment) Act, 1970. Short title.

13 of 1885. **2.** After section 6 of the Indian Telegraph Act, 1885 (hereinafter referred to as the principal Act), the following section shall be inserted, namely:— Insertion of new section 6A.

"6A. (*1*) The Central Government may, from time to time, by order, notify the rates at which, and the other conditions and restrictions subject to which, messages shall be transmitted to any country outside India. Power to notify rates for transmission of messages to countries outside India.

(*2*) In notifying the rates under sub-section (*1*), the Central Government shall have due regard to all or any of the following factors, namely:—

(*a*) the rates for the time being in force, for transmission of messages, in countries outside India;

(b) the foreign exchange rates for the time being in force;

(c) the rates for the time being in force for transmission of messages within India;

(d) such other relevant factors as the Central Government may think fit in the circumstances of the case.".

Amendment of section 7.

3. In sub-section (*2*) of section 7 of the principal Act, in clause (*a*), the words "within India" shall be inserted at the end.

Omission of section 29.

4. Section 29 of the principal Act shall be omitted.

STATEMENT OF OBJECTS AND REASONS

Under section 7 (2) (*a*) of the Indian Telegraph Act, 1885, the rates for telegrams, whether inland or foreign, have to be prescribed by rules. At present, the rates for inland telegrams alone are prescribed by rules and the rates for foreign telegrams are published in the Telegraph Guide Volume I. The Committee on Subordinate Legislation of Rajya Sabha have pointed out that the section requires the rates at which messages shall be transmitted to be provided in the rules themselves and not elsewhere, *e.g.*, the Posts and Telegraphs Guide and that rates cannot be kept out of the purview and scrutiny of Parliament by notifying them in a document (*i.e.* the Posts and Telegraphs Guide) which, unlike the rules, is not placed before Parliament.

2. It is administratively impracticable to prescribe the rates for transmission of foreign telegrams by rules as the rates are subject to frequent variations depending on the changes in the accounting rates effected by foreign administrations. The devaluation or revaluation of Indian currency and foreign currencies also affects the structure of rates for transmission of foreign telegrams. Further, such rates have also to be revised due to changes in the rates for transmission of messages in India.

3. It is, therefore, proposed to take power to notify, from time to time, the rates for foreign telegrams keeping in view the rates for transmission of messages in force in countries outside India, foreign exchange rates for transmission of messages within India and other relevant considerations. Consequently, it is also proposed to amend clause (*a*) of sub-section (2) of section 7 of the Act so as to prescribe the rates for inland telegrams only, by rules.

4. Section 29 of the Act provides for punishment with imprisonment or fine or both of a person who transmits or causes to be transmitted by telegraph a message which he knows to be false or fabricated. It has been represented to the Government that by taking shelter under this provision, the telegraph authorities sometimes harass the press correspondents for transmitting any news report telegraphically to their respective news agencies or newspapers found later to be false. With a view to maintaining the independence of the journalistic profession and having regard to the resolution passed by the Press Council of India in this behalf, it is proposed to omit section 29.

5. The Bill seeks to achieve the above objects.

NEW DELHI;

The 3rd December, 1970. S. N. SINHA.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 2 of the Bill seeks to insert a new section 6A taking power to notify the rates for transmission of telegraphic messages to countries outside India. It is not possible to specify the rates in the Act itself since they will have to be varied according to the change in circumstances. However, in fixing the rates, due regard will be had to the factors specified in sub-section (2) of the new section 6A. Consequently, section 7(2) (*a*) of the Act is proposed to be amended by clause 3 of the Bill so as to restrict the operation of that clause to messages transmitted within India.

2. The delegation of legislative power on the Central Government by clauses 2 and 3 of the Bill is of a normal character.

B. N. BANERJEE,
Secretary.

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